

Elaine L. Witherspoon

From: Mealiffe, Thomas <tmealiffe@nixonpeabody.com>
Sent: Friday, February 15, 2013 1:02 PM
To: Elaine L. Witherspoon
Cc: Ortego, Joseph; ALBA N. DUCCI; RICARDO M. MARTINEZ-CID
Subject: Safa v. Lufthansa
Attachments: image001.gif; Supplemental Response to Request for Production.pdf

Categories: Blue Category

Elaine,

Attached is Lufthansa's Supplement Document Response. We are also sending along a disc with a supplemental production Bates Stamp Numbered LUF001728 to LUF002804 by Federal Express. While we will provide a formal response to Plaintiff's Second Request for Production, please be advised that Figure 5.11.3 can be found at Bates Stamp Number LUF001910 and the Angina Pectoris/Heart Attack section of the Flight Safety Manual can be found at LUF001786. We also believe that Fig. 2.3-1 was part of the previous production at LUF000776. A search is still being conducted for training materials beyond the flight manuals already produced and the incident reports for 2008 to 2010, and we will supplement the production as soon as possible. With regard to Interrogatory No. 11, as I discussed with Lauren, we have produced all written statements in our possession, and we do not believe that an interrogatory is the appropriate mechanism for the disclosure of verbal statements, as it puts an undue burden on Lufthansa, particularly where witnesses will be available for deposition. Finally, the depositions dates you noticed do not work for Lufthansa's witnesses, and it does not appear that the alternate dates of March 4 will work, particularly with Lufthansa searching for documents which you believe you need in advance of the depositions. I am hopeful that we still will be able to find mutually agreeable dates which allow for the production of the remaining documents.

Please let me know if you would like to discuss any of the above.

Tom

Thomas Mealiffe

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